

REMARKS

Claims 1, 2, 5-48 and 51-70 are pending in the application. Claims 19-24, 41-46 and 65-70 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 19, 24, 41, 46, 65 and 70 were amended to be written in independent form including all of the limitations of the base claim and any intervening claims. Consequently, claims 19-24, 41-46 and 65-70 are allowable. Claims 1, 2, 5-9, 12, 16, 25-31, 34, 38, 47-48, 51-55, 58 and 62 are rejected under 35 U.S.C. §102(b). Claims 10-11, 13-15, 17-18, 32-33, 35-37, 39-40, 56-57, 59-61 and 63-64 are rejected under 35 U.S.C. §103(a). Applicants respectfully traverse these rejections for at least the reasons stated in the response having a mailing date of February 13, 2004 and file a Notice of Appeal concurrently herewith.

Applicants note that claims 19, 24, 41, 46, 65 and 70 were not amended to overcome prior art but to be written in independent form. Hence, the amendments made to claims 19, 24, 41, 46, 65 and 70 were not narrowing in scope and therefore no prosecution history estoppel arises from the amendments to claims 19, 24, 41, 46, 65 and 70. *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.*, 62 U.S.P.Q.2d 1705, 1711-12 (2002); 56 U.S.P.Q.2d 1865, 1870 (Fed. Cir. 2000). Further, the amendments made to claims 19, 24, 41, 46, 65 and 70 were not made for a substantial reason related to patentability and therefore no prosecution history estoppel arises from such an amendment. *See Festo Corp.*, 62 U.S.P.Q.2d 1705 at 1707 (2002); *Warner-Jenkinson Co. v. Hilton Davis Chemical Co.*, 41 U.S.P.Q.2d 1865, 1873 (1997).

CONCLUSION

As a result of the foregoing, it is asserted by Applicants that claims 1, 2, 5-48 and 51-70 in the Application are in condition for allowance, and Applicants respectfully request an allowance of such claims. Applicants respectfully request that the Examiner call Applicants' attorney at the below listed number if the Examiner believes that such a discussion would be helpful in resolving any remaining issues.

Respectfully submitted,

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